

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GINGER DETERS,
Plaintiff,

v.

**COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,**
Defendant.

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**CIVIL ACTION No. 6:14-cv-851
MHS-JDL**

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**


Plaintiff Ginger Deters initiated this civil action pursuant to Social Security Act, Section 205(g) for judicial review of the Commissioner’s denial of Plaintiff’s application for Social Security benefits. The case was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the decision of the Commissioner should be affirmed and the action dismissed with prejudice.

The Report and Recommendation of the Magistrate Judge, which contains his findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. Plaintiff has filed an objection to the Report and Recommendation. (Doc. No. 14.) Specifically, Plaintiff objects to Judge Love’s finding that the ALJ’s decision is supported by substantial evidence. *Id.* at 1. In general, Plaintiff raises arguments nearly identical to those raised in Plaintiff’s briefing. *Id.* Plaintiff objects to the Magistrate Judge’s analysis of the ALJ’s findings based on the weight afforded to the treating physician’s report. *Id.* at 1, 5. However, as discussed in the Report and Recommendation, the ALJ considered and afforded sufficient weight to the treating physician’s report and only afforded “little weight” to the treating physician’s Global Assessment of Functioning (“GAF”) rating where that rating was directly inconsistent

with the treating physician's own report. (Doc. No. 13, at 6–7.) As was further discussed by the Magistrate Judge, these findings were consistent with Plaintiff's own accounting of her daily activities and the assessment of the psychological State Agency, which ultimately supported the ALJ's RFC finding. *Id.* at 7–8. Therefore, Judge Love concluded that the ALJ did not err in his decision to afford little weight to the GAF rating, and that the ALJ's RFC finding was supported by substantial evidence. *Id.* The Court agrees with the Magistrate Judge's findings.

Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the decision of the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that any motion not previously ruled on is **DENIED**.

SIGNED this 21st day of January, 2016.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE